

House Bill 161 (COMMITTEE SUBSTITUTE)

By: Representatives Benton of the 31st and Gaines of the 117th

A BILL TO BE ENTITLED

AN ACT

To amend an Act to create a board of elections and registration for Jackson County, approved April 20, 2011 (Ga. L. 2011, p. 3673), so as to provide for the composition of the board of elections and registration; to provide for the selection and qualifications of members of the board; to provide for filling vacancies on the board; to provide for the appointment of an elections supervisor; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act to create a board of elections and registration for Jackson County, approved April 20, 2011 (Ga. L. 2011, p. 3673), is amended by revising Section 3 as follows:

"SECTION 3.

(a) Until July 1, 2019, the board shall be composed of a chairperson and two members. On and after July 1, 2019, the board shall be composed of five members, each of whom shall be appointed as provided for in this section. The terms of the members of the Jackson County Board of Elections and Registration in office on the effective date of this section shall terminate on June 30, 2019.

(b) All members of the board shall be appointed by the chief judge of the Superior Court of Jackson County. On and after July 1, 2019, two members of the board shall be nominated by the political party whose candidate for the office of Governor at the last election for such office received the highest number of votes cast for such office within the county. Two members of the board shall be nominated by the political party whose candidate for the office of Governor at the last election for such office received the second highest number of votes cast for such office within the county. Each of the four members nominated by political parties shall be nominated by the county executive committee of the respective political party at least 30 days before the beginning of the term of office or within 30 days after the creation of a vacancy in the office and, upon approval, the nomination shall be immediately submitted to the chief judge of the Superior Court of

Jackson County for approval and appointment. Should such chief judge refuse to approve and appoint such nominee, a new nominee shall be nominated and submitted for approval and appointment in the same manner. In the event that a political party entitled to make nominations under this section does not have an active and functioning county executive committee, such nomination shall be made by the state executive committee of the political party.

(c) The remaining member shall be appointed by the chief judge of the Superior Court of Jackson County and shall serve as the chairperson of the board.

(d) The initial term of office of one member from each political party as set forth in subsection (b) of this section and as designated by his or her appointment shall begin on July 1, 2019, and shall expire on December 31, 2020, upon the appointment and qualification of his or her respective successor. The initial term of office of the remaining member from each political party as set forth in subsection (b) of this section shall begin on July 1, 2019, and shall expire on December 31, 2022, and upon the appointment and qualification of his or her respective successor. The initial term of office of the member appointed by the chief judge of the Superior Court of Jackson County shall begin on July 1, 2019, and shall expire on December 31, 2022, upon the appointment and qualification of his or her respective successor. Successors to the members of the board whose terms are to expire shall be appointed to take office on the first day of January immediately following the expiration of such terms of office and shall serve for terms of four years each and until their successors are duly appointed and qualified. The board shall take no official action until all members have been certified to the clerk of the Superior Court of Jackson County.

(e) The office of a member of the board shall be vacated immediately upon such member qualifying for any nomination or office to be voted for at a primary or election or qualifying for any nomination or office or qualifying to have such member's name placed on any primary or election ballot pursuant to Code Sections 21-2-132 and 21-2-153 of the O.C.G.A. or giving notice of such member's intention of write-in candidacy; provided, however, that this subsection shall not apply to a member qualifying for or having such member's name placed on the ballot or holding office as a presidential elector.

(f) No member of the board, while conducting the duties of such member's office, shall engage in any political activity on behalf of a candidate, political party or body, or question, including, but not limited to, distributing campaign literature, engaging in any communication that advocates or criticizes a particular candidate, officeholder, or political party or body, and wearing badges, buttons, or clothing with partisan messages.

(g) No person who holds office in a political party at any level of such political party shall be eligible to serve as chairperson during the term of such political party office. The

65 position of chairperson shall be deemed vacant upon such chairperson's assuming a
66 political party office."

67 **SECTION 2.**

68 Said Act is further amended by revising Section 7 as follows:

69 "SECTION 7.

70 In the event a vacancy occurs in the office of any appointed member before the expiration
71 of his or her term, by removal, death, resignation, or otherwise, the chief judge of the
72 Superior Court of Jackson County shall appoint a successor to serve the remainder of the
73 unexpired term as provided for in Section 3 of this Act. In the case of a member who was
74 nominated by a political party, the appointment shall be based upon the nomination of the
75 party of the member whose seat has become vacant as provided for in Section 3 of this Act.
76 The clerk of the superior court shall be notified of such interim appointments and shall
77 record and certify such appointments in the same manner as the regular appointment of
78 members."

79 **SECTION 3.**

80 Said Act is further amended by revising subsection (a) of Section 11 as follows:

81 "(a) The governing authority of Jackson County shall be authorized to appoint an elections
82 supervisor to generally supervise, direct, and control the administration of the affairs of the
83 board pursuant to law and duly adopted resolutions of the board who shall serve at the
84 pleasure of the governing authority. The elections supervisor shall not be a member of the
85 board or an elected official. The elections supervisor shall be considered an employee of
86 Jackson County and shall be entitled to the same benefits as other employees of Jackson
87 County."

88 **SECTION 4.**

89 All laws and parts of laws in conflict with this Act are repealed.